



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 8, 2015

System No. 4600017

Certified Mail

No. 7012 3460 0003 1113 1212

Larry Ostrom, Manager
R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

TRANSMITTAL OF CITATION NO. 01-02-15C-009

Dear Mr. Ostrom,

The State Water Resources Control Board (Water Board), Division of Drinking Water, has issued the R.R. Lewis Small Water Company a citation, which is attached.

If you have any questions regarding this matter, please call staff engineer Steve Watson at (530) 224-4828 or me at (530) 224-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director
Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Rami Kahlon, California Public Utilities Commission

Enclosure: Citation No. 01-02-15C-009

sww \ 4600017 RR Lewis \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 **STATE OF CALIFORNIA**
2 **WATER RESOURCES CONTROL BOARD**
3 **DIVISION OF DRINKING WATER**
4

5 **TO:** R.R. Lewis Small Water Company
6 4500 E. Fremont Street
7 Stockton, CA 95215
8

9 **Attn:** Larry Ostrom, Manager
10

11 **CITATION FOR VIOLATION OF CITATION NO. 01-02-15C-003**

12 **WATER SYSTEM NO. 4600017**

13 **CITATION NO. 01-02-15C-009**

14 **Issued on May 8, 2015**
15

16 Section 116650 of the California Health and Safety Code authorizes the issuance of a
17 citation to a public water system for violation of the California Safe Drinking Water Act
18 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section
19 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order
20 issued or adopted thereunder.
21

22 The State Water Resources Control Board (hereinafter "Board"), acting by and through
23 its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the
24 Division (hereinafter "Deputy Director"), hereby issues a citation to the R.R. Lewis Small
25 Water Company (hereinafter, Company) (4500 E. Fremont Street, Stockton, CA 95215)
26 for violation of the directives in Citation No. 01-02-15C-003.
27

APPLICABLE AUTHORITIES**Section 116650 of California Health and Safety Code provides:**

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Citation 01-02-15C-003 provided the following directives:

1. Comply with Directive No. 4 of Amendment No. 1 to Citation 01-02-14C-006.
2. Submit to the Division by **March 31, 2015**, a check for the penalty of \$1,000.00 imposed by this Citation. The citation number shall be written on the check. The

1 check shall be made payable to the California Division of Drinking Water –
2 Safe Drinking Water Account and mailed to the Board along with
3 Attachment 'A' entitled "Notice of Citation Issuance."
4

- 5 3. Complete and return Attachment 'B' entitled "Compliance Certification" by
6 **April 10, 2015.**
7

8 **STATEMENT OF FACTS**
9

10 The Company operates a community water system which serves a population of
11 approximately 324 people through 123 service connections. The water system includes
12 two gravity springs, known as Anderson Spring and Wixson Spring, six distribution
13 reservoirs, four pressure zones, and a sodium hypochlorite disinfection system for the
14 water produced from Anderson Spring. The Company operates under a Water Supply
15 Permit No. 01-02-93(P)46023, issued on December 31, 1993.
16

17 Directive 4 of Amendment No. 1 to Citation No. 01-02-14C-006, issued to the Company
18 on January 29, 2015, required "By no later than February 28, 2015, the Company shall
19 submit to the Division a Bacteriological Sample Siting Plan in accordance with Section
20 64422, Title 22, of the CCR. The Bacteriological Sample Siting Plan requirement shall
21 be met by accurately completing and submitting Attachment 'C' in accordance with the
22 instructions contained in Attachment 'C'.
23

24 After the Company failed to meet the February 28, 2015, deadline for submittal of an
25 acceptable bacteriological sample siting plan, on March 18, 2015, the Division issued
26 Citation No. 01-02-15C-003, which assessed a \$1,000.00 administrative penalty and

1 directed the Company to comply with Directive 4 of Amendment No. 1 to Citation
2 No. 01-02-14C-006.

3
4 On March 23, 2015, the Division received a Bacteriological Sample Siting Plan from the
5 Company. By way of letter on March 27, 2015, the Division notified the Company that
6 the submittal was incomplete and that the Company remained in violation of Directive 4
7 of Amendment No. 1 to Citation No. 01-02-14C-006. Furthermore, through said letter
8 the Division: 1) informed the Company of the specific deficient items in the
9 bacteriological sample siting plan, 2) provided instructions with regards to completing an
10 acceptable plan, and, 3) suggested meeting in person to further aid the Company in the
11 preparation of an acceptable plan. Said letter also informed the Company that if an
12 acceptable plan was not received by close of business April 30, 2015, the Division
13 would resume enforcement actions on the Company regarding this matter.

14
15 On April 23, 2015, the Division met with the Company at the Division's Redding Field
16 Office to assist the Company in the preparation of an acceptable plan. During that
17 meeting, the Division presented the regulatory requirements of a bacteriological sample
18 siting plan and an acceptable example plan for the Company's water system. During
19 that meeting the Company appeared to be willing to comply with the regulatory
20 requirements and to follow our instructions on submitting an acceptable plan.

21
22 On April 29, 2015, the Company submitted via email a revised bacteriological sample
23 siting plan. The Division reviewed this plan and found it did not meet the requirements
24 of the regulations, and was not consistent with the acceptable example plan the Division
25 presented during the April 23, 2015, meeting. On April 29, 2015, the Division notified
26 the Company via email that the plan was not acceptable, outlined the areas which were
27 deficient, and gave recommendations on how to make the plan acceptable.

1 On April 30, 2015, the Company submitted via fax a revised bacteriological sample
2 siting plan. The Division reviewed the plan and found it did not meet the requirements
3 of the regulations, and did not follow the Division's instructions in previous
4 correspondence and the April 23, 2015, meeting. On April 30, 2015, the Division
5 notified the Company via email that the plan was not acceptable, outlined the areas
6 which were deficient, and gave recommendations on how to make the plan acceptable.

7
8 As of the date of this Citation the Division has not received a Bacteriological Sample
9 Siting Plan in accordance with Directive 1 of Citation No. 01-02-14C-003 issued to the
10 Company on March 18, 2015.

11
12 On April 30, 2015, the Division received Attachment A of Citation No. 01-02-14C-003
13 from the Company which contained a hand written note from the Company which stated
14 "UNABLE TO PAY AT THIS TIME 4/28/15." As of the date of this Citation the Division
15 has not received payment for the \$1,000.00 administrative penalty in accordance with
16 Directive 2, of Citation No. 01-02-14C-003 issued to the Company on March 18, 2015.

17
18 As of the date of this Citation the Division has not received a Compliance Certification in
19 accordance with Directive 3, of Citation No. 01-02-14C-003 issued to the Company on
20 March 18, 2015.

21
22 **DETERMINATIONS**

23
24 The Division has determined that the Company continues to be in violation of the
25 directives of Citation 01-02-15C-003.

ADMINISTRATIVE PENALTY

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a penalty for failure to comply with requirements of the California SDWA.

The Division hereby assesses upon the Company a penalty in the amount of **two thousand dollars (\$2,000.00)** for failure to comply with Directive 1 of Citation No. 01-02-15C-003. **However, the requirement to pay this penalty shall be terminated provided that by May 29, 2015, the Company submits an acceptable bacteriological sample siting plan to the Division.** Directions for paying this penalty are included in Directive No. 2 of this Citation. Continued failure to comply with Directive 1 of Citation No. 01-02-15C-003 may result in additional enforcement actions against the Company by the Board, which may also include penalties.

DIRECTIVES

The Company is hereby directed to take the following actions:

1. Comply with all Directives of Citation 01-02-15C-003.
2. Submit to the Division by **June 12, 2015**, a check for the penalty of \$2,000.00 imposed by this Citation. The citation number shall be written on the check. The check shall be made payable to the **California Division of Drinking Water – Safe Drinking Water Account** and shall be attached to the “Notice of Citation Issuance,” provided in Attachment A, and mailed to the Board at the address provided therein.

1
2 However, the requirement to pay this penalty shall be terminated provided
3 that by May 29, 2015, the Company submits an acceptable bacteriological
4 sample siting plan to the Division.

- 5
6 3. Complete and return Attachment 'B' entitled "Compliance Certification" by
7 June 19, 2015.
8

9 All documents required by this Citation shall be submitted to the Board at the following
10 address:

11
12 Michael J. McNamara, P. E.
13 Lassen District Engineer
14 Division of Drinking Water
15 State Water Resources Control Board
16 364 Knollcrest Drive, Suite 101
17 Redding, CA 96002
18

19 As used in this Citation, the date of issuance shall be the date of this Citation; and the
20 date of service shall be the date of service of this Citation, personal or by certified mail,
21 on the Water System.
22

23 Nothing in this Citation relieves the Company of its obligation to meet the requirements
24 of the California SDWA or any regulation, permit, standard or order issued or adopted
25 thereunder. The Division reserves the right to make such modifications to this Citation,
26 as it may deem necessary to protect public health and safety. Such modifications may
27 be issued as amendments to this Citation and shall be effective upon issuance.

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5 **FURTHER ENFORCEMENT ACTION**
6

7 The California SDWA authorizes the Board to: issue a citation with assessment of
8 administrative penalties to a public water system for violation or continued violation of
9 the requirements of the California SDWA or any permit, regulation, permit or order
10 issued or adopted thereunder including, but not limited to, failure to correct a violation
11 identified in a citation or compliance order. The California SDWA also authorizes the
12 Board to take action to suspend or revoke a permit that has been issued to a public
13 water system if the system has violated applicable law or regulations or has failed to
14 comply with an order of the Board; and to petition the superior court to take various
15 enforcement measures against a public water system that has failed to comply with or
16 violates an order of the Board. The Board does not waive any further enforcement
17 action by issuance of this citation.

18
19 **PARTIES BOUND**
20

21 This Citation shall apply to and be binding upon the Company, its officers, directors,
22 shareholders, agents, employees, contractors, successors, and assignees.
23
24
25
26
27

SEVERABILITY

The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

5/8/2015

Date



Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief

Northern California Section

Division of Drinking Water

State Water Resources Control Board

Attachments:

'A' Notice of Citation Issuance

'B' Compliance Certification

CERTIFIED MAIL 7012 3460 0003 1113 1212

cc: Bruce Burton, Assistant Deputy Director,
 -Northern California Drinking Water Field Operations
 Richard L. Hinrichs, Chief, Northern California Section
 Rami Kahlon, California Public Utilities Commission

**STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board**

Notice of Citation Issuance

System Name: R.R. Lewis Small Water Company

System Number: 4600017

Background Statement

During the month of May 2015, the Division of Drinking Water issued Citation Number 01-02-15C-009 to the R.R. Lewis Small Water Company. The citation carried an administrative penalty in the amount of \$2,000.00.

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **June 12, 2015**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

COMPLIANCE CERTIFICATION

Citation Number: **01-02-15C-009**

Name of Water System: **R.R. Lewis Small Water Company**

System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Submit an acceptable bacteriological sample siting plan in accordance with Directive No. 4 of Amendment No. 1 to Citation 01-02-14C-006	_____
Payment of \$1,000.00 Administrative Penalty to the Division of Drinking Water in Sacramento, in accordance with Directive 2 of Citation 01-02-15C-003	_____
Payment of \$2,000.00 Administrative Penalty to the Division of Drinking Water in Sacramento, in accordance with Directive 2 of Citation 01-02-15C-009	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the bacteriological sample siting plan and copy of the checks for payment of the administrative penalties.

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN June 19, 2015.</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.